



SUMMARY OF THE REPORT OF THE HIGH-LEVEL PANEL ON THE POLICIES, LEGISLATION AND PRACTICES RELATING TO THE MANAGEMENT AND HANDLING, BREEDING, HUNTING AND TRADE OF ELEPHANT, LION, LEOPARD AND RHINOCEROS.

Need for the HLP

Despite the high reputation of South Africa as a global leader in conservation, there is public concern as to policies, legislation and practices on matters associated with the management, breeding, hunting, trade and handling of elephant, lion, leopard and rhinoceros, especially in terms of animal welfare and well-being. An area that specifically received local and international criticism, which ended in a Parliamentary Colloquium on the issue, is the captive breeding of lion for hunting and trade. The recommendations from the legislature was that Department of Forestry, Fisheries and the Environment (DFFE) review their policies on the practice.

As there were other areas that needed policy review, the Minister of Environment, Forestry and Fisheries, Minister Barbara Creecy, gazetted the appointment of an Advisory Committee (the 'High-Level Panel' or HLP) on 10 October 2019, to "review policies, legislation and practices on matters related to the management, breeding, hunting, trade and handling of elephant, lion, leopard and rhinoceros". The HLP members were appointed in their personal capacities and not to represent specific constituencies. The manager conservation of SA Hunters, Lizanne Nel, was also a member of the HLP.

Process

The HLP identified the need for creating a shared vision of the broader context in which they would frame any recommendations and identified the following consensus "working vision": *Secured, restored, and rewilded natural landscapes with thriving populations of Elephant, Lion, Rhino, and Leopard, as indicators for a vibrant, responsible, inclusive, transformed, and sustainable wildlife sector.*

The HLP deliberations identified seven cross-cutting themes for which they needed a greater understanding namely: The Constitutional framework; Legislation and mandates; Land-use and the South African wildlife model; Transformation in the sector; Education and capacity building; International position, and Animal welfare. In addition, the HLP identified the need to engage with government stakeholders across the sector to gain a better understanding of issues that were emerging from the work of the HLP. Furthermore, the HLP identified the need to engage with previous processes which had been undertaken, and to engage with government stakeholders around those processes, their outcomes, and the implementation of their recommendations to date. These include amongst others, the Committee of Enquiry on Rhino, the Scientific Authority Report on intensive and selective breeding and the report of the parliamentary colloquium on captive bred lions. SA Hunters participated and made formal contributions to each of these processes.

The HLP also conducted a broader public engagement process where members of the public were invited to submit written submissions, scientific information, socio-economic information or any other relevant information on matters related to the handling and management, breeding, hunting and trade of elephant, lion, leopard and rhinoceros. The HLP received over 70 written submissions, including the submission by SA Hunters. Like other stakeholders, SA Hunters were requested to submit further responses to specific questions after our presentation, made by the Vice-President Conservation, Richard Sowry.

A particular focus of the consultation was to gain understanding of the concerns, views, opinions, aspirations, and opportunities available to members of communities living with the relevant species. To this end, the panel met with the House of Traditional Leaders, the Congress of Traditional Leaders of South Africa, Traditional Healer associations, People and Parks, and conducted six in person meetings with communities living adjacent to reserves with the five species, in Northwest, Limpopo Mpumalanga, Kwazulu-Natal, and the Eastern Cape. During these site visits, the HLP invited the relevant management authority to make submission on the conservation and management of the species in those reserves. The HLP also met with the Parliamentary Portfolio Committee on Environment.

In order to formulate recommendations, the HLP established a “recommendation” drafting team, that provided a first concept on recommendations based on work done by the HLP. Various drafts were provided to HLP members for comment, inputs and suggestions for improvement. These draft recommendations were then considered by the HLP in a second series of facilitated workshops, which provided an opportunity for HLP members to engage in robust debate around the issues, with the drafting team then revising the proposals accordingly, for further consideration by the full HLP. A protocol for the finalisation of the recommendations was agreed by the panel. This provided a systematic process for the review, refinement and adoption of recommendations.

Through the process, 18 areas of concern were identified as most important for the Minister to address, with these viewed as offering major opportunity for the transformation of the sector for long-term conservation, as well as sustainable use of biodiversity, as exemplified by the iconic species which form the core focus of the HLP.

The final workshops resulted in the adoption of 16 consensus goals and associated recommendations. However, there were two further areas on which it was not possible to reach a consensus view (keeping of rhinos in captivity and captive lion breeding and keeping) where HLP members confirmed their support for one majority view and one minority view for the first area (keeping of rhinos in captivity). A majority and two minority views were established in respect of the second area (captive lion breeding and keeping) – with each option supported with aligned detail in terms of the context, goal, recommendations, and initial input on implementation.

Situational Analyses

Situational reports identified key issues of concern identified by the HLP and stakeholders. A short summary of a few areas identified is highlighted below.

- The Constitution: Legal opinion was sourced to provide clarity on how animal welfare links to s24; if sustainable use is, in fact, a right; concurrent national and provincial mandates; other rights in addition to s24, including cultural and property rights; and how to go about balancing these when there are competing interests. This is a major area of contention between various role-players in the sector.
- Legislation and Mandates: The following key issues were highlighted: definitions and understanding of sustainability and sustainable use within legislation requires revision; lack of cooperative governance, especially within the 9+1+1 (Provinces, DEFF, DALRRD) method of regulation; challenges relating to the structuring, and implementation of the permit system; weaknesses, gaps, and challenges in the implementation of legislation around captive breeding; inconsistencies between national and provincial legislation, among provinces, and in implementation; and several opportunities to strengthen national legislation as it relates to elephant and leopard, and handling of elephant and leopard. In terms of the specific terms of reference for the HLP, there is no legislation relating to the hunting of lion or stockpiling, and legislation requires updating in terms of breeding, keeping and trade in lion and rhino, management of elephant and leopard, and handling of elephant and lion.

- Land-use and the Wildlife Model: the following key challenges and risks were identified: conservation, management, and sustainable use of the species, and their habitat; land use rights and arrangements, ownership of wildlife and land; 'wildness'; benefit flows; inequities in access to natural resources; perceptions of over-regulation and over-management; welfare and well-being; irresponsible and unsustainable hunting practices, unethical tourism practices and reputational damage to the wildlife sector and South Africa; poor understanding of hidden environmental costs, and comprehensive socio-economic contributions and beneficiation; State protected areas' mediocre performance, intensive and selective breeding for commercial purposes, including trade in animal parts; fencing impacts; poor data; poor government capacity to formulate and implement coherent regulatory frameworks; outdated approaches to managing human-wildlife conflict; inability to assess the contribution to conservation and bio-economy targets; hunting quotas; permits, compliance, and enforcement issues; welfare and ethical concerns; poor contribution of captive industry to conservation. When assessing different land-uses: the largest opportunity was identified from building a wildlife economy in communal lands; the strongest need was for state protected areas to contribute more strongly to socio-economic development; and the greatest risk was from captive and intensive breeding to reputational risks and habitat degradation. There are massive untapped sustainable socio-economic opportunities from growing an integrated, transformed wildlife economy.
- Transformation: this was identified as a critical weakness with the largest percentage of wildlife land being owned by the white minority and by the state, with few wildlife resources on community lands. Transformation has been very slow. Challenges in respect of ownership of, and access to, land and resources include: Community Property Association (CPA) failures and governance challenges; lack of finance, knowledge, skills, access to markets and marketing; exploitation of communities; challenges of benefit sharing; and unrealistic expectations. Besides specific disadvantages and exclusion of rural communities from the wildlife sector, lack of involvement by previously disadvantaged individuals was pointed out as a major concern. In addition, the general lack of awareness within the African community, as well as broadly across government, of the Wildlife sector and its potential, was also accentuated.
- Education and Capacity Building: there is a lack of articulation in legislation and policy for supporting education, skills development, and capacity building within the sector, especially in terms of redress, equity, and empowerment of PDIs. There are a lack of a Human Capital and Environmental Skills Plans to empower provinces and state-owned entities to develop capacity through training, mentoring, and upskilling of staff and workers in the sector. There are huge demands for accredited skills training, upskilling, mentorship, and high-level skills across the sector work-force and emerging ranchers. A lack of Human Capital Instruments such as Bursaries, Scholarships, Post-Doctoral Fellowship, Research Chairs and Centres of Excellence for the wildlife sector was also identified. Capacity to harness the technological advances such as DNA technology and database, biobank, camera traps, metal detectors, and bio-telemetry remains inadequate. Specific groupings needing a focus for capacity development include new entrants to the industry, emerging ranchers, and communities, including traditional leadership. Training in animal welfare in general is required, alongside training in business skills relating to the wildlife economy.
- International Position: four core challenges with respect to our international position were identified, namely: Globally, there are many different and sometimes competing value-based views and ideologies with respect to these species, with interest groups, governments, and blocks, adopting, often, conflicting positions; Partly influenced by interest groups, national governments have their own varying and often competing geopolitical interests, which will influence their attitude toward conservation matters; Countries regulate their interactions by way of international treaties, conventions, and protocols. South Africa is party to many such agreements, which collectively frame and constrain its policies; Illegal actors, including international organised crime syndicates

present a significant challenge to enforcement efforts, which often must be co-ordinated across jurisdictions to stand a chance of succeeding. Thus, in deciding upon controversial wildlife policy issues that concern competing interests between humans with differing values, humans and animals, and between individual animals and the environment, South Africa must take into account the nature and extent to which these competing interests are represented and defined by international interest groups and other national governments, in relation to the country's own national provisions and positions and obligations in terms of ratified international agreements. In terms of the HLP's specific terms of reference, when viewing this from an 'international perspective', there are major issues in terms of management, trade and handling of elephant; breeding, hunting, trade, and handling of lion; and trade of black and white rhino. These include concerns relating to: the management of the numbers and distribution of elephant populations; commercial captive breeding and hunting of captive lions; animal welfare concerns relating to lion and elephant handling, and captive lion and elephant interactions; and strong opposition and debates relating to ivory trade, trade in live elephants, and trade in lion bones and rhino horn.

- Animal Welfare: flaws in the NSPCA model requiring dependence on donor funding and general under-resourcing of capacity to address wildlife welfare was identified as a key concern. Lack of clarity of institutional arrangements and fragmentation; lack of representation of DEFF in welfare structures; and the lack of permitting for traditional harvesting of wildlife resources leading to poaching and inhumane killing were other aspects identified for action. In terms of the animal welfare approach: there is no overarching wildlife welfare policy; with NEMA falling short on welfare. There is also poor understanding of welfare legislation and application; poor welfare standards; poor cooperation between stakeholders; poor framing, development, or buy-in to the approach to welfare; a lack of an integrated approach such as the 'one-welfare' approach; and, in general, there is lack of understanding of good and bad practice. There is a general lack of broad regulations pertinent to welfare for all wildlife and activities related to them.

Summary of General Recommendations

In terms of the 18 areas of concern, the following is noted:

1. Firstly, the HLP recommends the development of a National Policy on Biodiversity and Sustainable Use, which will provide context, clarity and strategic direction to all stakeholders.
2. The HLP highlights the importance of transformation of the sector, with empowerment and capacitation of communities living with wildlife, and recognition of their traditions and culture, as practiced through the traditional leaders and traditional healers.
3. The HLP notes the importance of thriving populations of the five iconic species as catalysts for a vibrant, responsible, inclusive, transformed, and sustainable wildlife sector, and has identified key aspects of wildlife land-use and the wildlife model that can be improved to achieve this.
4. For ongoing growth and sustainability, the HLP recognises that capacity building, education, training, and empowerment of human capital across the wildlife sector needs focus and attention.
5. Standards and practices within the wildlife sector need to meet the minimum acceptable standards for animal welfare and well-being.
6. Many stakeholders identified inefficiencies and ineffectiveness of governance of the wildlife sector caused by multiple mandates and dual competency between national and provinces, with this noted as requiring reform from a legislative and implementation practice perspective.
7. Careful consideration of conflicting legislation, policy and mandates between Environment and Agriculture.

8. Rationalised and improved contribution of protected areas to support conservation and sustainable use of the five species, and to aid in serving as drivers of regional rural economies.
9. South Africa's international standing as a leader in conservation, and our reputation as a member of the global community, is threatened by some wildlife practices and approaches in South Africa – with a protocol, key interventions, and a risk mitigation and communication strategy required to deal with this.
10. The HLP emphasises the need for responsible, adaptive, transparent, and accountable management that secures thriving and sustainable populations of the five species and their habitats, for the benefit of all (wildlife, wildlife custodians, and society at large), while highlighting interventions to secure this.
11. The HLP identifies the need for South Africa to be repositioned and promoted as a destination of choice for legal, regulated and responsible hunting of the five iconic species, recognising that this supports and promotes conservation and rural livelihoods.
12. Live export of the five iconic species should focus on in situ conservation of the species within their natural range.
13. There is a need for development of an integrated, shared, strategic, approach to leopard management that considers all the dimensions, and is inclusive of all stakeholders.
14. As the HLP recommends a policy position stating that South Africa does not envisage submitting an ivory trade proposal to CITES as long as current specified circumstances prevail, alternative income streams need to be identified to support both elephant management and urgent socio-economic development requirements of people living with elephants.
15. The HLP recommends that South Africa should take a global leadership position on rhino conservation, and that the Minister should lead a process of engagement to develop a consensus approach to both global conservation of rhino, and a range state consensus on international commercial trade in rhino horn, that can be taken to CITES when the Rhino Committee of Inquiry and Rhino Action Plan conditions are met; to this end, urgent progress needs to be made with the implementation of the Rhino Committee of Inquiry recommendations, while alternative benefit streams to international rhino horn sale are developed and implemented.
16. The HLP recommends investigating the full range of options for future stockpile use, considering social and economic risks, costs, and benefits.
17. The majority of the HLP recommends that the current trend of increasing intensive management and registration of rhino captive breeding operations is reversed within a period that allows for a sustainable conservation outcome, through phasing out captive rhino breeding, and providing clarity that trade in captive rhino horn would not be supported or approved prior to the Rhino Committee of Inquiry recommendations being met.
18. Three different approaches to captive lions are presented by the panel, with the majority view being that, in future, South Africa will not captive breed lions, keep lions in captivity, or use captive lions or their derivatives commercially.

Hunting Recommendations

In so far as hunting is concerned, the panel recommended that South Africa must be repositioned and promoted as a destination of choice for legal, regulated and responsible hunting of the five iconic species, emphasising the authentic wildness experience, that is humane, grounded in universally-shared ethical principles, and that promotes conservation and rural livelihoods. The panel further recommended a national approach for increasing the opportunity, quantity and quality

of hunting the five iconic species in wild areas of South Africa be developed; that government through its relevant departments and programs, recognises and openly supports responsible hunting as part of the cultural heritage of different cultural groups in South Africa; that more appropriate terminology be developed to reflect the true nature of hunting by local and international hunters and the difference with illegal activities and poaching; the establishment of a process to engage with traditional leaders, traditional healers, hunting associations and NGOs to develop a supply chain for products from legal, humane and responsible hunting through regulated muti markets or traditional leaders; the consideration of alternative approaches to the allocation of hunting permits that incentivises wildness of population and landscapes, such as preference to land associations that have green certification and drop fences; self-administration in the issuing of hunting licences by hunting associations and electronic reporting of hunting reports for animals of the iconic species (and possible other TOPS species) that would assist in monitoring the impact of hunting and demonstrate its social and economic contribution; the implementation of standards and quality controls for the current system of hunting schools, which is inefficient and not comparable across provinces or schools, with SAQA accredited training; creation of a bursary scheme to encourage PDI's to enrol and qualify with a mentor-mentee scheme to facilitate skills transfer; identify obstacles to entry into the market for PDIs – especially as professional hunters, then find ways to break these barriers; the revision, simplification, alignment and unification of legislation, regulations, ordinances, registration and permitting processes so that there is one national, web-based system that promotes responsible hunting; the establishment of a process to engage with stakeholders, associations, and NGOs to develop a shared understanding and ethos of hunting of the iconic species as an ecologically sustainable use of a wild landscape, including promoting legal, humane and responsible hunting as a part of the South African heritage and culture and a wildlife certification system for best practice operators/reserves; and the development of Norms and Standards for the responsible and sustainable hunting of the five iconic species, that should amongst others aspect, provide for:

- principles of authentic wildness of the experience;
- consideration of animal welfare and well-being, including enhancing the probability of a clean kill;
- specified minimum qualification and experience for hunting the iconic species, and the need and responsibility for mandatory back-up shot after the hunter has fired;
- no hunting of a captive bred individual and explicit prevention of put-and-take hunting;
- minimum requirement set for each species following translocation, as to when it would be considered for legal, humane and responsible hunting, and an authentic wildness experience; clarity and consistent processes for the hunting of damage-causing animals through a consultative process that incorporates concerns of all stakeholders;
- the promotion of transparency through, for example, a photographic record of all hunts being lodged with the Scientific Authority as a means of monitoring trade; and
- a transparent process for quota setting that is evidence-based and demonstrates sustainability, under the auspices of the Scientific Authority.

Conclusion

The HLP's recommendations, and the broader integrated framework in which these were contextualised, can facilitate the difficult decisions the Minister is facing in relation to the five species. The Minister acknowledged that the recommendations contained in the HLP report, will enable a trajectory of radical transformation of the sector - with efforts supporting the objective of long-term sustainability of wildlife conservation and the wildlife economy, for the benefit of all of South Africa's people. The report was adopted by the Minister and Cabinet for release in early May and a process for engagement of stakeholders for implementation has been initiated by DFFE.

In general, SA Hunters should be positive that most of the recommendations made in our submission to the HLP, were addressed and incorporated in the HLP's recommendations and the

recommendations made are closely aligned with the policy positions of SA Hunters. Two areas that may need further scrutiny, is the trade recommendations for ivory and rhino horn. Besides providing specific interventions to resolve key issues in the sector, the report also proposes a re-conceptualised wildlife sector that focuses on thriving wild and wild-managed wildlife populations, moving away from captive breeding.

The Minister acknowledged that this new approach towards vibrant wild populations would be embedded in a national biodiversity white paper. This national vision and policy framework can unite people and the wildlife industry in particular, in cultivating a responsible and inclusive wildlife sector going forward.